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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 9851/2024 & CRL. M.A. 37757/2024**
CAESOR NAMEIRAKPAM & ANR.Petitioners
Through: **Mr. Sandeep Kapoor and mr. Martin**
Yumnam, Advocates
versus

STATE GOVT. OF NCT OF DELHI & ANR.Respondent
Through: **Mr. Nawal Kishore Jha, APP for State**
with SI Mahesh Rawat, PS Safdarjang
Enclave.
Mr. K. Sita Rama Rao and Mr. Shakti
K. Pattanaik, Advocates for R-2 with
R-2/complainant in person.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

% **ORDER**
16.12.2024

CRL.M.A. 37758/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 9851/2024

3. The present petition has been filed under Section 528 of BNSS 2023 seeking quashing of FIR No. 320/2020 under Sections 380/411/34 of the IPC registered at Police Station Safdarjung Enclave, District South West, New Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.



4. Issue notice. The learned APP for the State as well as learned counsel appearing on behalf of the respondent no. 2/complainant accepts notice. They submit that since the parties have arrived at a settlement, therefore, they have no objection in case the aforesaid FIR is quashed.
5. The parties are present in the Court and they have been identified by their respective counsel and by the Investigating Officer/ SI Mahesh Rawat, PS Safdarjang Enclave.
6. The case of the prosecution in brief is that the complainant/respondent no. 2 lodged a complaint before the concerned Police Station alleging that his friends i.e. petitioners herein had stolen a ring from his house when his wife was putting the jewellery for safe custody. The said complaint culminated into the registration of aforesaid FIR.
7. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof have been reduced in writing in the form of a Settlement Deed dated 30.11.2024, a copy of which has been annexed to the present petition as Annexure P-3.
8. It is recorded in the Settlement Deed that both the parties have amicably settled their disputes.
9. The respondent no. 2 who is present in Court, on a query posed by the Court, affirms the factum of settlement and states that he has no objection in case the aforesaid FIR is quashed.
10. At this stage, apt would it be to refer to the observations of the Supreme Court in *Gian Singh v. State of Punjab*, (2012) 10 SCC 303: (SCC p. 340, para 58)

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender



and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.”

11. In view of the settlement between the parties, the ultimate chances of conviction in the case are bleak, therefore, continuation of criminal proceedings will not serve any useful purpose and it will be an exercise in futility.
12. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.
13. Consequently, the petition is allowed and the FIR No. 320/2020 under Sections 380/411/34 of the IPC registered at Police Station Safdarjung Enclave, District South West, New Delhi alongwith all other proceedings emanating therefrom, is quashed.
14. The petition stands disposed of in the above terms.

DECEMBER 16, 2024

‘rs’

VIKAS MAHAJAN, J